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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 MAHLON HONSINGER,

11 Plaintiff,

12 v.

13 OFFICER BUNK,

14 Defendant.
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Case No. 09-cv-1272-MJP-JPD

REPORT AND RECOMMENDATION


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17 Plaintiff is proceeding pro se and in forma pauperis in this 42 U.S.C. § 1983 civil rights
18 action against an officer of the Federal Way Police Department. Dkt. No. 4. At the time he
19 filed his complaint, Plaintiff was incarcerated in the King County Jail in Seattle, Washington.
20 Plaintiff's complaint centers on his allegation that he was subjected to excessive force when he
21 was arrested by the Defendant on July 7, 2009. *Id.*

22 Plaintiff filed his complaint on September 9, 2009. Dkt. No. 1. On three separate
23 occasions since that time, mail to Plaintiff from the court has been returned by the Post Office
24 as undeliverable. *See* Dkt. Nos. 7, 10, 14. Specifically, the Court's order granting Plaintiff in
25 forma pauperis status was returned twice (the clerk of the court mailed the order to two
26 different addresses for Plaintiff), and the Court's Scheduling Order was also returned. *Id.*

1 On March 1, 2010, Defendant filed a motion for summary judgment. Dkt. No. 15. To
2 date, Plaintiff has not provided the court with an updated address, nor has he responded to
3 Defendant's motion for summary judgment.

4 Because over sixty days have elapsed since mail directed to Plaintiff at his address of
5 record was first returned to the court by the Post Office as undeliverable (in fact, over eight
6 months have elapsed), and because Plaintiff has not notified the Court of his current address,
7 this action is DISMISSED without prejudice for failure to prosecute pursuant to Local Rule
8 CR 41(b)(2). A proposed order accompanies this Report and Recommendation.

9 DATED this 3rd day of June, 2010.

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11 JAMES P. DONOHUE
12 United States Magistrate Judge
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